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TRANSMITTAL FORM

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Total Number of Pages in This Submission

| | |
|------------------------|--------------------|
| Application Number | 10/827,412 |
| Filing Date | April 19, 2004 |
| First Named Inventor | Michael Freisthler |
| Art Unit | 1755/Conf. # 2605 |
| Examiner Name | David M. Brusnman |
| Attorney Docket Number | 04047 |

ENCLOSURES (Check all that apply)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|----------|--------|
| Firm name | Emch, Schaffer, Schaub & Porcello Co., L.P.A. | | |
| Signature | | | |
| Printed name | Patrick P. Pacella | | |
| Date | Nov 14, 2005 | Reg. No. | 25,463 |

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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04047

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Michael Freisthler
Serial No: 10/827,412
Filed: April 19, 2004
For: BITUMINOUS COMPOSITION

Exr. David M. Brunsman
Art Unit: 1755
Confirmation No.: 2605

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

November 14, 2005

RESPONSE

Sir:

In response to the Office Action mailed September 29, 2005, please amend
the above-identified patent application as follows: